

OFFICE OF ENVIRONMENTAL RESPONSE EMERGENCY RESPONSE BRANCH CURRENT OPERATING PROCEDURES	Document Page: 1
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Subject: Evaluating Claims from the Excess Liability Trust Fund (ELTF) for Emergency Actions Policy and Procedures	Last Revised: 6/28/99
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OFFICE OF ENVIRONMENTAL RESPONSE
CURRENT OPERATING PROCEDURES

Document #

Page # 2

Background and Purpose: Indiana Code provides a mechanism for owners and operators to recover costs from the ELTF for emergency actions prior to approval of a Corrective Action Plan (CAP). The purpose for this policy and procedure is to provide additional guidance regarding the approval of funds reimbursement for ELTF claims for emergency actions beyond the authorizing statute.

Applicability: This policy and procedure applies to LUST staff, ELTF staff and ELTF contractors.

Authority: Use of Money in Excess Liability Fund - IC 13-23-8-4(b)(1)

“An owner or operator is eligible to receive money from the fund before the owner or operator has a corrective action plan approved or deemed approved if the work for which payment is sought under IC 13-23-9-2 [other criteria for eligibility] was an immediate removal in response to a petroleum release that created the need for emergency action to abate an immediate threat of harm to human health, property, or the environment.”

Policy: The following actions at LUST sites are considered emergency actions that are eligible for reimbursement:

- S vapors in occupied buildings or conduits,
- S free product or sheen in conduits or surface water,
- S free product that has crossed the property boundary, or
- S impacts to drinking water supplies above action levels as determined by guidance or the LUST Project Manager.

The following actions at LUST sites are **not** considered emergency actions that are eligible for reimbursement:

- S free product that is not leaving the site and/or there are no receptors or
- S continued operation and maintenance of abatement systems once emergency conditions no longer exist.

OFFICE OF ENVIRONMENTAL RESPONSE

CURRENT OPERATING PROCEDURES

Document #

Page 2

The following are considered eligible for reimbursement under this provision:

- S costs for evacuation of buildings,
- S costs to ventilate buildings or conduits,
- S costs to provide alternate water such as bottled water and initial costs for installation of treatment systems,
- S costs to recover free product as needed to eliminate continuing releases to surface water or conduits, or
- S other costs to mitigate actual fire and explosion hazards and direct impacts to the environment or humans.

The following are **not** considered eligible for reimbursement under this provision:

- S costs for repairs to UST systems,
- S costs to operate and maintain ventilation, water treatment systems once they are installed, and
- S costs to continue recovery of free product once conduits are no longer impacted.

Procedures/Responsibilities: The following are the responsibilities for LUST staff:

- S review "Confirmation of Emergency Response Status" submitted by the claimant (see form attached),
- S approve or deny request,
- S include any relevant comments on the same form as to the dates and type of response, and
- S return form to claimant.

The following are the responsibilities for ELTF staff and contractors:

- S review completed "Confirmation of Emergency Response Status" form and other relevant documentation,
- S coordinate with the LUST staff regarding any questions or clarification of claims, and
- S process all claims as appropriate.

